

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTIOCH UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010080527

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On August 11, 2010, Student filed a Due Process Hearing Request (complaint), naming Antioch Unified School District (District). The Office of Administrative Hearings (OAH) issued a scheduling order setting the matter for Mediation on September 14, 2010, Prehearing Conference on September 29, 2010 at 1:30 p.m., and Due Process Hearing on October 5, 2010 at 9:30 a.m.

On September 21, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed a reply on September 22, 2010, indicating District did not oppose the Motion.

**APPLICABLE LAW**

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

**DISCUSSION**

The motion to amend is timely. District does not oppose Student's motion therefore the motion is granted.

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

## **ORDER**

1. Student's motion to amend the complaint is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All current dates are vacated and all applicable timelines shall be reset as of the date of this order.

IT IS SO ORDERED.

Dated: September 28, 2010

/s/

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings